

**LEON COUNTY
GROWTH AND ENVIRONMENTAL MANAGEMENT
DEVELOPMENT REVIEW COMMITTEE STAFF REPORT**

DATE OF DRC MEETING: 10/19/2005

STAFF RECOMMENDATION: *APPROVAL WITH CONDITIONS*

PROJECT NAME: **Montejo Subdivision f.k.a Belair Road Subdivision**

OWNER: Wakulla Forest General Partnership
**P.O. Box 3761
Tallahassee, FL 32315
(850) 599-1955**

APPLICANT: The William Lee Company
**P.O. Box 3761
Tallahassee, FL 32315
(850) 599-1955**

AGENT: Parker Consulting Services, Inc.
**Matthew Parker
1804 Miccosukee Commons Drive, Ste. 206
Tallahassee, FL 32308
(850) 877-8400**

PROJECT SUMMARY:

The request is to develop two parcels consisting of approximately 17.13 acres with a 71-lot residential (single family detached) subdivision. The parcels are zoned R-3 and the density proposed (4.14 units/acre) is consistent with the intent of the district. The site is located on the south side of Belair Road (Public/Private local street), approximately 500 feet east of Woodville Hwy in Section 19, Township 2S, Range 1E. Access to the subdivision entrance is from Belair Road. An interconnection to Maxwell Drive (local street) on the south was provided at Technical Review. Minimum lot sizes proposed are approximately 5,000 square feet or greater. The subdivision will be public and will utilize city water, sewer and electric.

DATE OF PRE-APP: June 16, 2004

DATE OF TECHNICAL
STAFF REVIEW: April 27, 2005

STAFF PLANNER: Scott Brockmeier, Planner II

TAX ID#: 31-19-20-211-000-0
31-19-20-224-000-0

PARCEL SIZE: 17.13 acres +/- (according to survey)

LOCATION: This site is located on the south side of Belair Road, approximately 558 ft. east of Woodville Hwy in Township 1S, Range 1E, Section 19.

TYPE REVIEW: Type "C" review per Section 10-1479.1(a) of the LDC.

ACCESS: Belair Road and Maxwell Drive (local streets).

INSIDE/OUTSIDE URBAN SERVICES AREA: Inside

ZONING DISTRICT: Single and Two-Family Residential District (R-3, Section 10-1216 of the LDC)

FUTURE LAND USE: Mixed Use-A (MU-A, Page I-14 of the Land Use Element of the Comprehensive Plan)

ZONING/LAND USE PATTERN:
North: R-3, Single Family Residential
South: R-3 & R-5, Single Family Residential/MH
East: CPA, Vacant
West: M-1, Commercial

PERMITTED USE VERIFICATION: **VC040064R**

Site Plan and Subdivision Review Criteria: In deciding whether to approve, approve with conditions, or deny a site plan, the Development Review Committee shall determine pursuant to Section 10-1479.1, and Section 10-852.2.C.(4), Type "C" Review:

- (a) *Consistency with the Comprehensive Plan.*
- (b) *Whether the design standards and requirements set forth in the Subdivision and Site and Development Plan regulations have been met (Article XI);*
- (c) *Whether the applicable criteria of the Environmental Management Act have been met (Article VII);*
- (d) *Whether the standards and requirements of the zoning code have been met (Article X); and*
- (e) *Whether the requirements of other applicable regulations or ordinances which impose specific requirements on the proposed development have been met (Articles XII, Article VI, Article XIII, Article XIV, Article XV, Article XVII, if applicable, Article XVIII)*

Growth and Environmental Management Staff Findings: The staff is generally responsible for reviewing site plan application to ensure that the application meets the applicable requirements set forth in the Zoning, Site Plan, and Subdivision Regulations (Chapter 10 of the Leon County Code of Laws).

Pursuant to the review criteria identified in Section 10-1479.1, Type "C" Review, the Growth and Environmental Management Department findings are as follows:

Comprehensive Plan issues and specific applicable policies:

Future Land Use Element:

Finding #1: Mixed Use-A (MU-A, page I-14)

The subject site is located in the Mixed Use-A (MU-A) Future Land Use category. The intent of the MU-A category is to create a village atmosphere with an emphasis on low to medium density residential land use, small scale commercial, school, churches, and recreational opportunities. Allowed land uses in the MU-A district are regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character and availability of infrastructure for areas within the MU-A category. This project appears to be consistent with the Mixed Use-A future land use category intent.

Finding #2: Southern Strategy Area – The focus of this strategy is to make this area of the community a desirable residential location for people of all incomes. This first part of the strategy is to protect the positive aspects of the area. Development in this area is important due to close proximity to community amenities, work centers, universities, and facilities. Development and redevelopment should further contribute to the cultural and economic diversity. The proposed development furthers this intent, enhancing the immediate area by proposing construction of a 5' sidewalk to an existing bus stop located at the intersection of Woodville Highway and Belair Road, per a Concurrency requirement.

Transportation Element:

Finding #3: Policy 1.6.3 [T]:

An interconnection for vehicular and pedestrian traffic was created at Maxwell Drive to the south. A right-of-way stub out was continued off of Montejo Court on the east.

Finding #4: Concurrency (Section 10-140):

An application for Concurrency (LCM050031) has been made and is currently pending approval. According to a memorandum dated April 27, 2005 from Brian Waterman, there is insufficient capacity on Woodville Highway north of Capital Circle. A significant impact is expected to a City of Tallahassee segment. The recommended mitigation was to provide transit access with infrastructure (sidewalk) to Woodville Highway. A sidewalk is proposed to Woodville Highway as recommended for mitigation of this anticipated impact. An interconnection was provided to Maxwell Boulevard on the south portion of the site. A stub-out was provided on the eastern portion of the site from Carmen Rocio Way. A Final Certificate of Concurrency will be issued upon LCBC approval.

Finding # 5: Closed Basin & interbasin transfers (Section 10-188):

Development within closed basins must meet the standards outlined in this section. The site is located in the Campbell Pond Closed Basin. Development in closed basins shall be permitted to the extent that there is sufficient stormwater capacity within the basin (Section 10-973(c)(3) & Comprehensive Plan Policy 1.1.5 of the Utilities Element). The stormwater design must meet closed basin standards. See comments from Environmental Compliance.

Finding # 6: Protected Trees (Section 10-292):

The site design should take trees into consideration including the placement of improvements, to lessen the impact on trees identified as "protected trees". It is the intent of the division to facilitate a holistic approach to development which incorporates trees suitable for integration into urban development, regardless of size, and which utilizes urban forest areas. This section of the code defines types of trees that are protected as well as trees which are exempt. (Also see Section 10-1534). The applicant is encouraged to incorporate existing trees into the design of the subdivision. Particularly, trees which may have the ability to create a more pedestrian friendly environment.

Finding # 7: Pre-Development Reviews(Section 10-346):

A fully approved NFI (LEA 040021) was issued which identified some conservation or preservation areas. The NFI identified areas of inactive karst features, gopher tortoise habitat and an endangered plant species (Golden Aster or *Pityopsis flexuosa*) on the site. The site is located in the Campbell Pond Closed Basin.

An Environmental Impact Analysis (EIA), which provided an analysis of its impact on the natural features, was subsequently approved on March 23, 2005 with conditions (LEA050031). See comments from Environmental Compliance.

Finding #8: Zoning District and Development Standard Issues (Sections 10-1216):

The subject parcel is located in the Single Family and Two Family residential zoning district (R-3). The R-3 zoning district is intended to be located in areas designated Mixed Use-A, B, or C on the Future Land Use Map of the Comprehensive Plan (See Finding #1). The R-3 zoning district is intended to provide a wide range of single family and two family housing types. The maximum gross density permissible in this district is eight (8) dwelling units per acre. The applicant is proposing 4 dwelling units per acre. The development standards proposed are consistent with the minimum requirements of the R-3 zoning district.

The following specific design criteria and development standards for single family attached and detached residential development in the R-3 zoning district is required:

Minimum Building Setbacks (required):

Front	20 feet
Side Corner	15 feet
Side	7.5* feet
Rear	25 feet

* 7.5' on each side or any combo. that equals 15' so long that no such setback is less than 5'.

Minimum Building Setbacks (proposed):

Front	20 feet
Corner	15 feet
Side	7.5 feet
Rear	25 feet

Other R-3 Development Standards:

Minimum Lot Area:

5,000 square feet or

<u>Minimum Lot Width:</u>	50 feet
<u>Minimum Lot Depth:</u>	100 feet
<u>Maximum Building Restrictions:</u>	Not Applicable
<u>Maximum Height:</u>	3 stories

Finding #9: Buffer Zone Standards (Section 10-923):

The applicant had requested a deviation from buffer standards for what is assumed to be lot 71 (lot still has the buffer within it). Since the request does not define where the deviation is requested and since the applicant has not adequately addressed the criteria for granting a deviation, staff does not recommend approval of the deviation. The lift station is proposing a fence between the lift station and lot 40. Section 10-923 states that a buffer fence must be sufficient height (presumably 8 feet) to block the view from adjacent properties. The site plan has been revised to include vegetation in conjunction with the fence consistent with the code. All of the appropriate buffers are in place at this time. The site plan must include the height (min. 8' per Section 10-923) of the fence and state that the fence will be opaque. A chain link fence with vinyl slats that provide 80% opacity is inconsistent with the definition of opaque in the Websters Dictionary. Opaque is defined as non-transparent; not reflecting light; dull. A chain link fence is not consistent with this definition since it is not 100% opaque, is made of steel and are typically reflective.

Finding #10: Conservation/Preservation Area (Sections 10-953, 973, & 974):

The proposed development must comply with all applicable regulations pertaining to conservation and/or preservation areas (Article VII of the Leon County Land Development Code, and the Conservation and Land Use Element of the 2010 Comprehensive Plan). The environmental review identified that the site is located in the Campbell Pond closed basin. With the exception of gopher tortoise habitat, there were no additional preservation and/or conservation areas identified on the subject parcel. The project was design to accommodate closed basin standards. A Natural Features Inventory and an Environmental Impact Analysis for the project have been reviewed and approved by the Environmental Compliance Division. See comments from Environmental Compliance.

Finding #11: Required Parking (Section 10-1028):

Parking for residential uses is based on the number of bedrooms per unit. The off-street parking requirements for conventional single family homes is 2 spaces for 1,2, & 3 bedroom units and 3 spaces for 4 bedroom units. The parking requirements for single family attached with 2, 3 or more bedrooms, is 2.5 spaces per unit. At the previous DRC meeting staff requested as condition of approval that the parking detail provided on sheet C-4 demonstrate that the aforementioned parking standards can be met. The site plan has not been revised to demonstrate consistency with Section 10-1028. Parking must be located outside of r-o-w and without blocking sidewalks.

Finding #12: Accessory Structures (Section 10-1102):

Accessory structures must be located at least 7 ½ feet from the property line, and a minimum of six feet from any other structure. They may not be located in a buffer or landscape area, nor in the front or side corner yard. An accessory lift station is proposed adjacent to lot 40. Section 10-923 requires the appropriate landscaping and buffers between utility infrastructure and single family residential. The proposed accessory structure is consistent with the accessory structure provisions.

Finding #13: Compliance and Consistency with Comprehensive Plan (Section 10-1407 and 10-1408):

All proposed subdivisions or development shall be designed to comply and be consistent with the Land Development Code and the Tallahassee-Leon County Comprehensive Plan. No subdivision shall be platted unless such subdivision meets all the applicable county ordinances, and those of any applicable laws of the state, and has been approved in accordance with the requirements in these sections. Section 10-1527(h)2 prohibits the creation of double frontage lots. Lots 1 through 3 do not meet this requirement. There should be open space between the lots and the Belair Road frontage to accommodate this requirement. In addition, Lots 4-13 have a common area labeled between them that is not identified. Revise the site plan to include notation of this area. Therefore, the site and development plan is not consistent with Section 10-1527(h)2. The layout and configuration has changed since the previous DRC meeting and will require additional staff time review.

Finding #14: Subdivision requiring platting (Section 10-1428):

The proposed subdivision meets the requirements for a Type "C" site plan and will require platting, if final approval is granted by the County Commission. See finding #16 below.

Finding #15: Permitted Use Verification (Section 10-1477):

Refer to Permitted Use Verification Certificate VC040064R. The certificate indicates that the parcel is eligible for a 71-lot single family residential subdivision, as a Type "C" site and development plan review. The conceptual layout proposes a 71-unit, single-family detached subdivision. This layout is consistent with the approved PUV and the allowable density within this zoning district.

Finding #16: Type "C" Review (Section 10-1479.1):

Staff has determined that the application is sufficiently complete to recommend approval with conditions. The conditions included in this report and in the reports of the other members of the Technical Review Committee must be addressed prior to the next DRC date certain (November 2, 2005). Conditions from other Technical Review staff are provided as an attachment to this report.

Finding #17: General layout and design standards (Section 10-1527):

The proposed plan of development is not consistent with the general layout and design standards referenced above. Lots 1-3 are considered double frontage lots (Section 10-1527(h)2).

Finding #18: Stormwater Management (Section 10-1528):

Swales or other nonstructural means to direct stormwater may be used in developable areas. The storm drainage and surface water drainage system used shall be installed in accordance with Article VII and other requirements and specifications of the county. Due to a revision of the site plan which involved a reconfiguration and addition of two new lots, a review of revised stormwater management plans is necessary. See comments from the Environmental Compliance Division.

Finding #19: Public water supply and sanitary sewer or on-site sewage disposal systems (Section 10-1529 and 10-1530):

Potable water facilities and central sanitary sewer will be provided by the City of Tallahassee. A preliminary concept plan has been approved for this project by the Water Utility Department.

Finding #20: Criteria for granting a deviation from development standards (Section 10-1603):

The applicant is requesting a Deviation from Development Standards but has not stated for which lot(s). Staff can only assume the request is to deviate from the minimum requirements for buffer standards for a Type "A" and Type "D" buffer to allow such buffers within lot 71. The applicant has proposed inclusion of these buffers within lot 71, inconsistent with buffer requirements and GEM policy. The applicant has provided a response to the criteria for requesting a deviation as required by Section 10-1603. Staff feels that this request does not meet the criteria required to grant a deviation and therefore recommends denial. Additionally, the applicant has proposed a 20 foot Type "A" buffer on the north where a 10 foot buffer is required at minimum. The lot is approximately 1/3 acre and there appears to be ample room outside the lot to meet the minimum buffer requirements.

Finding #21: Aquifer/Wellhead Protection, Article XIV, Division 1.

The City of Tallahassee Aquifer Protection Division granted Aquifer Protection Clearance on April 19, 2005.

Finding #22: Division 2. On-Site Signs (Section 10-1811):

There is one entrance sign proposed at the intersection of Maxwell Drive and Belair Road. The sign is located in a common area that will be owned and maintained by the HOA. Sign specifications will be addressed at permitting.

Based Upon Findings Cited Above, Development Services recommends a continuance of the site plan to enable the applicant to make the following modifications to their application and submit additional information necessary to complete a review of stormwater requirements.

1. Revision of the site and development plan to illustrate that parking requirements (Section 10-1028, LDC) can be met (per Finding #11).
2. Revision of the site plan to include notation of the height (min. 8' per Section 10-923) and type of fence (opaque). The proposed fence must be 100% opaque to be considered "opaque" and thus consistent with buffer fence standards per Section 10-923 of the LDC. See Finding #9.
3. Revision of the site and development plan to label the 5 foot tract of land that is located at the rear of Lots 4-13. This area must serve as a buffer or open space to prevent the creation of double frontage lots.
4. Staff recommends denial of the Deviation from Development Standards (See Finding #20). Staff feels that the request does not satisfy the criteria established in Section 10-1603 for granting a deviation. (After clarification, the DRC unanimously approved the deviation 3-0)

Responses to Notification:

- 52 notices mailed
- 0 responses returned
- 0 returned as undeliverable

Attachments:

- Attachment #1: October 17, 2005 memorandum from Grady Underwood, Environmental Compliance Division
- Attachment #2: October 17, 2005 memorandum from Tricia Gwaltney, LCSB
- Attachment #3: October 12, 2005 Deviation Request from Matthew Parker of Parker Consulting.

9 Leon County, Department of Growth & Environmental Management

MEMORANDUM

TO: Scott Brockmeier
FROM: Grady Underwood *GU*
CC: File
DATE: 10/19/2005
RE: **Montejo Subdivision (a. k. a. Belair Road)
Type C Site Plan (Revised Plan) Review Comments for DRC Meeting
Parcel ID: 31-19-20-224-000-0 and 31-19-20-211-000-0**

We have conducted a preliminary review of the referenced project and determined the plan to be consistent with stormwater, landscaping, and environmental protection requirements found in Section 10 of the Leon County Code of Laws (LCCL). The following comments are provided for the DRC meeting.

Environmental Review Processes and Required Documents:

A Natural Features Inventory (NFI) for this site was approved on 5/12/2005

The Environmental Impact Analysis (EIA) was approved on 9/14/2005. Review of revised stormwater calculations was completed 10/19/2005. Revised calculations are approved.

Prior to starting construction, an approved Environmental Management Permit is required.

Following completion of project, As-Built Plans and a Stormwater Management Facility Operating Permit must be provided for review and approval.

Recommended Action and Recommended Notes For Proposed Plan:

1. On Sheet C-2, recommend removal of "Limits of Open Space" note and arrow that points to areas labeled as an "Existing 40' Roadway Easement" and "20' Roadway Easement to Access Parcel".
2. Recommend note on plan concerning requirement of State approval for taking of gopher tortoise burrow located within the proposed project area.

BOARD CHAIR
Shelle Conigan

BOARD VICE-CHAIR
H. Fred Varn



BOARD MEMBERS
Georgia "Joy" Bowen
Dee Crumpler
Maggie B. Lewis

October 17, 2005

SUPERINTENDENT
William J. I

Leon County Development
Review Committee
3401 W. Tharpe Street
Tallahassee, FL 32303

Post-It® Fax Note 7671		Date	# of pages
To	Chairman Dev. Review Comm.	From	Leon County Schools
Co./Dept.		Co.	Planning
Phone #		Phone #	487-7259
Fax #	487-7956	Fax #	

Dear Committee Members:

Leon County Schools' Planning Department offers the following comments with regard to the items on the October 19 Development Review Committee Meeting Agenda:

Montejo Subdivision - Type "C" - This project (69 units) will have moderate impact to Leon County Schools. The current school zones are Oak Ridge Elementary, Fairview Middle and Rickards High schools. All schools are under class size reduction capacity and have room for student growth. It is requested that a 6 - 8 foot sidewalk be built at the entrance to the subdivision where students could wait for busses.

Velda Oaks Plantation - Type "B" - Development of this project (64 units) will have major impact to Leon County Schools. Currently, the school zones are DeSoto Trail Elementary, Deerlake Middle and Chiles High schools. All three schools are well over class size reduction capacity and have no room for student growth. At Deerlake and Chiles portables are being used to accommodate students due to overcrowding. It is recommended that a wide sidewalk (6-8 feet) be built at the entrance to the subdivision where students could wait for school busses.

Sycamore Ridge - Type "B" - Development of this parcel (28 lots) is anticipated to have minor impact to Leon County Schools. Currently, the school zones for this property are Woodville Elementary, Nims Middle and Rickards High schools. All schools are under class size reduction capacity and have room for student growth. It is recommended that a wide sidewalk be built at the entrance to the subdivision where students could wait for busses on Natural Bridge Road.

Thank you for your consideration.

Sincerely,

Tricia Gwaltney, Program Specialist
Planning and Policy Development
487-7257

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**DEVIATION REQUEST CRITERIA
MONTEJO SUBDIVISION F/K/A BELAIR ROAD SUBDIVISION**

PARCEL ID # 31-19-20-224-0000 / 31-19-20-211-0000

October 12, 2005

I. The deviation will not be detrimental to the public's health, safety, or welfare or to the surrounding properties; and

RESPONSE: The required vegetative buffers will remain but are part of the proposed lots. The placement of the buffer on the lot will not be detrimental to the public or the surrounding properties' health, safety, or welfare. The buffer provides separation between this individual lot and the adjacent existing commercial development. The adjacent parcels will not be adversely affected since we are buffering their more intense land use to our less intense land use.

II. There are exceptional topographic, soil, or other environmental conditions unique to the property; or

RESPONSE: There are no exceptional topographic or environmental features.

III. There are unusual conditions which are not ordinarily found in the area; or

RESPONSE: The size and shape of this individual lot are unique and not the result of the applicants actions. This lot was cut from the parent tract by county Right of Way for Belair Road. This condition is limited to one existing lot and is not the result of the proposed design. There is nothing that can be done to the proposed subdivision design to add sufficient land to the parcel to solve this issue.

IV. The deviation requested would provide a creative or innovative design alternative to substantive standards and criteria; or

RESPONSE: The deviation would meet the intent of the code by providing buffering between the adjacent parcels and the lot while maintaining a build-able lot.

V. The strict application of the requirements of this ordinance will constitute a substantial hardship to the applicant; and,

RESPONSE: Due to the size of the lots and the buffering requirement the lot is un-buildable under a strict application of the code. Therefore we are requesting that the buffer be allowed to be part of the lot.

VI. The granting of the deviation is consistent with the intent and purpose of this ordinance and the comprehensive plan.

RESPONSE: The intent and purpose of the comprehensive plan will be met through the construction of the buffer.

Board of County Commissioners

INTER-OFFICE MEMORANDUM

DATE: October 18, 2005
TO: Scott Brockmeier, Planner II
FROM: Kimberly A. Wood, P.E., Chief of Engineering Coordination *KAW*
SUBJECT: Type C Review of Montejo Subdivision for October 19, 2005, Development review Committee Meeting

The preliminary review is complete and the following are for information only:

1. Please clarify the proposed tie to the dirt road. Currently the plans appear to be putting down asphalt and stopping without transiting back to the existing dirt road.
2. Clearly delineate the limits of the 15 foot pedestrian easement being dedicated to Leon County on the private portion of Belair Road.

Public Works recommends continuance of the subdivision until the following has been addressed:

1. It appears that there has been a redesign of the subdivision, i.e. SWMF A has been reduced in size by 94,460 cubic feet of storage and 2 lots have been added, please demonstrate that the reduced size of the SWMF is sufficient for the proposed redesign. Has the EIA been revised to address the redesign? *yes. 10/19/05*

Requested Deviation:

The applicant has request a deviation to buffer standards for lot 71. Public Works has no objection to this request.